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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,661	07/28/2000	Norihiro Kawatoko	862.C1966	3244

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EXAMINER

MOUTTET, BLAISE L

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/628,661

Applicant(s)

KAWATOKO ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

--Th MAILING DATE of this communication appears on the cover sheet with th correspondence address --

THE REPLY FILED 12 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-33

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 19 July 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

R s p o n s t o A m n d m e n t

The amendment to the specification filed July 12, 2002 will be entered for purposes of appeal since the proposed amendments simply correct grammar and syntax in the specification.

R e s p o n s e t o A r g u m e n t s

Applicant's arguments filed July 12, 2002 have been fully considered but they are not persuasive.

The applicant has admitted in paper no. 13 filed July 12, 2002 that Stephany et al. US 5,497,174 as utilized in the applied rejection of independent claims 1, 12 and 23 discloses setting a drive pulse on the basis of printhead conditions such as the number of simultaneously driven printing elements.

The applicant has argued that Stephany et al. fails to determine a fundamental pulse width on the basis of driving conditions according to a condition of the printhead and controlling the fundamental pulse width based on the number of simultaneously driven printing elements.

The examiner disagrees.

Stephany et al. clearly teaches determining a fundamental pulse width based on driving conditions according to a condition of the printhead (see column 6, lines 19-39 which specify such parameters as type of ink used and spot size used in determining a fundamental pulse width).


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Stephany et al. clearly teaches that this pulse width is modified based upon the number of simultaneously driven print elements (see column 6, lines 57-63).

There is no clear distinction between what is being claimed by applicant's claims 1, 12 and 23 and what has been disclosed by Stephany et al. and one of ordinary skill in the art would not be able to distinguish the invention claimed in claims 1, 12 and 23 as currently presented from what has been fully disclosed in the prior art.

Blaise Mouttet July 23, 2002

Bm 7/23/2002


John Barlow
Supervisory Patent Examiner
Technology Center 2800